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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,209	01/14/2005	JeHo Nam	51876P803	3733
8791 7590 12/03/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
PE, GEEPY				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
12/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,209

Applicant(s)

NAM ET AL.

Examiner

Geepy Pe

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 1/14/2005, 3/31/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 37-41, 47-51, and 57-61 are objected to because of the following informalities:

Claim 37, line 2, applicant should amend "conversion" to -- converting --.

Claim 38, line 2, applicant should amend "conversion" to -- converting --.

Claim 39, line 2, applicant should amend "conversion" to -- converting --.

Claim 40 depends on claim 39 and is therefore objected to.

Claim 41, line 2, applicant should amend "conversion" to -- converting --.

Claim 47, line 2, applicant should amend "conversion" to -- converting --.

Claim 48, line 2, applicant should amend "conversion" to -- converting --.

Claim 49, line 2, applicant should amend "conversion" to -- converting --.

Claim 50 depends on claim 49 and is therefore objected to.

Claim 51, line 2, applicant should amend "conversion" to -- converting --.

Claim 57, line 2, applicant should amend "conversion" to -- converting --.

Claim 58, line 2, applicant should amend "conversion" to -- converting --.

Claim 59, line 2, applicant should amend "conversion" to -- converting --.

Claim 60 depends on claim 69 and is therefore objected to.

Claim 61, line 2, applicant should amend "conversion" to -- converting --.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 55-64 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A) The Examiner notes that "computer readable medium...metadata is recorded" does not specify how the instructions are (a) associated with the medium, or (b) the nature of instructions. Data structures not claimed as embodied (or encoded with or embedded with) in a computer readable medium are descriptive material per se, and are not statutory, Warmerdam, 33 F.3d at 1361, 31, USPQ2d at 1760). Similarly, computer programs claimed as computer listings, instructions, or codes are just the descriptions, expressions, of the program are not "physical things". They have neither computer components nor statutory processes, as they are not "acts" being performed. In contrast, a claimed "... computer readable medium encoded with a computer program..." is a computer element which defines structural and function interrelationships between the computer program and the rest of the computer, and is statutory, Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035, Interim Guidelines, Annex IV (Section a).

B) The computer program as claimed is not properly associated with the operation. It is quite possible that the computer program may be an unrelated sub-routine or a simple commence instruction which then causes the computer to execute the operation that could be self-resident, and not encoded on the medium, Interim Guidelines, Annex IV (Section b).

Applicant should amend the claim(s) to comply with the requirement of MPEP 2106.01.I. Appropriate correction(s) are required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims **35-64** are rejected under 35 U.S.C. 102(a) as being anticipated by Kim et al. (International Organisation for Standardisation Organisation Internationale de Normalisation ISO/IEC JTC1/SC29/WG11 Coding of Moving Pictures and Audio; hereinafter Kim; already of record).

Regarding **claim 35**, Kim teaches a stereoscopic adaptation method comprising the steps of: stereoscopically adapting video data source according to user preference information included in usage environment information (pg. 2, paragraph before section 2); and outputting the adapted video data source (pg. 2, paragraph before section 2).

Regarding **claim 36**, Kim teaches that the video data source includes contents metadata for describing video contents and information of the video contents (Fig. 2; pg. 3, paragraph before section 2.2).

Regarding **claim 37**, Kim teaches that the stereoscopic adaptation is conversion two-dimensional video into three-dimensional stereoscopic video and the user preference information includes preferred parallax information (pg. 4, figure in the middle of the page; pg. 5).

Regarding **claim 38**, Kim teaches that the stereoscopic adaptation is conversion two-dimensional video into three-dimensional stereoscopic video and the user preference information

includes preferred information about maximum number of delayed frame (pg. 4, figure in the middle of the page; pg. 6, paragraph under Fig. 4).

Regarding **claim 39**, Kim teaches that the stereoscopic adaptation is conversion two-dimensional video into three-dimensional stereoscopic video and the user preference information includes preferred information about three-dimensional depth range (pg. 4, figure in the middle of the page; pg. 6, paragraph under Fig. 3)..

Regarding **claim 40**, Kim teaches that the depth range is a distance between a monitor screen and an object in three-dimensional video (Fig. 4; pg. 4, paragraph above Fig. 4).

Regarding **claim 41**, Kim teaches that the stereoscopic adaptation is conversion three-dimensional stereoscopic video into two-dimensional video and the user preference information includes preferred video information between left video and right video of the three-dimensional stereoscopic video (pg. 6, last paragraph).

Regarding **claim 42**, Kim teaches that the usage environment information includes capability information of a user terminal describing whether or not the user terminal is three-dimensional stereoscopic (pg. 7, figure near the top; pg. 8, first paragraph).

Regarding **claim 43**, Kim teaches that the usage environment information includes capability information of a user terminal describing decoding capability and rendering method of the user terminal (pg. 7, figure near the top; pg. 8, second and third paragraph).

Regarding **claim 44**, Kim teaches that the rendering method is classified into classification group including interlaced, sync-double, page- flipping, red-blue anaglyph, red-cyan anaglyph, or red-yellow anaglyph method (pg. 8, third paragraph; Fig. 5).

Regarding **claims 45 and 55**, the claim(s) recites analogous limitations to claim(s) 35 above, and is/are therefore rejected on the same premise.

Regarding **claims 46 and 56**, the claim(s) recites analogous limitations to claim(s) 36 above, and is/are therefore rejected on the same premise.

Regarding **claims 47 and 57**, the claim(s) recites analogous limitations to claim(s) 37 above, and is/are therefore rejected on the same premise.

Regarding **claims 48 and 58**, the claim(s) recites analogous limitations to claim(s) 38 above, and is/are therefore rejected on the same premise.

Regarding **claims 49 and 59**, the claim(s) recites analogous limitations to claim(s) 39 above, and is/are therefore rejected on the same premise.

Regarding **claims 50 and 60**, the claim(s) recites analogous limitations to claim(s) 40 above, and is/are therefore rejected on the same premise.

Regarding **claims 51 and 61**, the claim(s) recites analogous limitations to claim(s) 41 above, and is/are therefore rejected on the same premise.

Regarding **claims 52 and 62**, the claim(s) recites analogous limitations to claim(s) 42 above, and is/are therefore rejected on the same premise.

Regarding **claims 53 and 63**, the claim(s) recites analogous limitations to claim(s) 43 above, and is/are therefore rejected on the same premise.

Regarding **claims 54 and 64**, the claim(s) recites analogous limitations to claim(s) 44 above, and is/are therefore rejected on the same premise.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Pat. 5,510,832.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geepy Pe whose telephone number is (571)-270-3703. The examiner can normally be reached on Monday - Friday, 7:00AM - 3:30PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. P./
/Geepy Pe/
Examiner, Art Unit 2621

/Andy S. Rao/
Primary Examiner, Art Unit 2621
November 8, 2008